

21 C.J.S. Courts § 8

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

I. In General

B. General Classification of Courts

§ 8. Courts of record and courts not of record

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  48, 49

A court of record is a court that is required to keep a record of its proceedings, generally excluding local or inferior courts and administrative tribunals.

A court of record is one required to keep a record of its proceedings as a court whose proceedings are perpetuated in writing.¹

Courts may be designated by statute as courts of record,² including a state court of appeal,³ a state circuit court,⁴ a state district court,⁵ a state family court,⁶ and a state juvenile court⁷ or a county court sitting as a juvenile court.⁸

Excluded from the classification of courts of record are those courts not so defined by the governing state law.⁹ Courts of record do not include inferior local courts, such as a mayor's court,¹⁰ a municipal court,¹¹ or a justice court,¹² and administrative tribunals are not courts of record.¹³

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 Ala.—Ex parte Madison County Dept. of Human Resources, 136 So. 3d 485 (Ala. Civ. App. 2013).
- 2 Ala.—Ex parte Madison County Dept. of Human Resources, 136 So. 3d 485 (Ala. Civ. App. 2013).
- Neb.—In re Interest of Zachary D., 289 Neb. 763, 857 N.W.2d 323 (2015).

Tenn.—*In re S.L.M.*, 207 S.W.3d 288 (Tenn. Ct. App. 2006).

3 La.—*Miccol Enterprises, Inc. v. City of New Orleans*, 106 So. 3d 746 (La. Ct. App. 4th Cir. 2012).

4 Ala.—*McCree v. City of Dothan*, 766 So. 2d 989 (Ala. Crim. App. 2000).

S.C.—*Ex parte Strom*, 334 S.C. 605, 514 S.E.2d 599 (Ct. App. 1999) *aff'd*, 343 S.C. 257, 539 S.E.2d 699 (2000).

5 Or.—*Eichler v. Hetzel*, 37 Or. App. 305, 587 P.2d 106 (1978).

6 R.I.—*Resendes v. Brown*, 966 A.2d 1249 (R.I. 2009).

7 Ala.—*Ex parte Madison County Dept. of Human Resources*, 136 So. 3d 485 (Ala. Civ. App. 2013).

Neb.—*In re Interest of Zachary D.*, 289 Neb. 763, 857 N.W.2d 323 (2015).

8 Neb.—*In re Interest of Tyler T.*, 279 Neb. 806, 781 N.W.2d 922 (2010).

9 Cal.—*Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.*, 99 Cal. App. 4th 1094, 121 Cal. Rptr. 2d 758 (4th Dist. 2002).

Ohio—*State ex rel. Montgomery Cty. Pub. Defender v. Siroki*, 108 Ohio St. 3d 334, 2006-Ohio-1065, 843 N.E.2d 778 (2006).

10 Ohio—*State ex rel. Montgomery Cty. Pub. Defender v. Siroki*, 108 Ohio St. 3d 334, 2006-Ohio-1065, 843 N.E.2d 778 (2006).

11 Ala.—*Ex parte Maye*, 799 So. 2d 944 (Ala. 2001).

12 Tex.—*Nash v. Peters*, 303 S.W.3d 359 (Tex. App. El Paso 2009).

Utah—*Pleasant Grove City v. Orvis*, 2007 UT App 74, 157 P.3d 355 (Utah Ct. App. 2007).

As to justices of the peace, powers, duties, jurisdiction, and procedure, see C.J.S., *Justices of the Peace* §§ 24 to 28, 42 to 300.

13 Cal.—*Caressa Camille, Inc. v. Alcoholic Beverage Control Appeals Bd.*, 99 Cal. App. 4th 1094, 121 Cal. Rptr. 2d 758 (4th Dist. 2002).

N.J.—*City of Passaic v. New Jersey Div. of State Police*, 332 N.J. Super. 94, 752 A.2d 841 (App. Div. 2000).